IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 29276 of 2007(I)

PETITIONER:

C.RANJITH LAL, S/O DEVADAS,
AGED 37 YEARS, CHERUKANDY HOUSE,
RARICHAN ROAD, ERANHIPALAM POST,
KOZHIKODE-673 006.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS:

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1. THE CONSERVATOR OF FOREST, KANNUR.
NORTHERN CIRCLE, KANNOTH CHAL,
POST THANA, KANNUR-2.

2. THE DIVISIONAL FOREST OFFICER,
TIMBER SALES DIVISION,
KOZHIKODE.

BY GOVT. PLEADER, SRI.RAJITH THAMPAN, SC, FORESTS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 29276 of 2007

Dated this the 5th October, 2007

J U D G M E N T

Petitioner was the highest bidder in an auction held by the 2nd respondent. Being the successful bidder of the vehicle, petitioner states that he has also deposited an amount of Rs.11,000/- as per the terms and conditions of sale. He has filed this writ petition on receipt of Exhibit-P3, by which, he is intimated that the auction has ben cancelled and a re-auction is being scheduled.

2. Learned Government Pleader was directed to take instructions in the matter. On instruction, he submits that the initial auction was on 2.7.2007, in which, petitioner was the successful bidder. According to the Learned Government Pleader, in terms of the rules of the department, if a still higher offer is received and the offeree is willing to deposit the amount offered by him in the Treasury and produce a Challan receipt, the respondents are entitled to cancel the auction. However, such cancellation is subject to the condition that if the amount fetched in the re-auction is less than initial price the amount deposited will be forfeited and auction will be confirmed in favour of the person who has deposited the amount.

3. In this case, according to the learned Government Pleader, one Sri. P.K. Mohammed Ali has deposited Rs.28,000/- which more than Rs.22,000/- quoted by the petitioner. It is also submitted that on receipt of the intimation of deposit as above, auction has been cancelled and re-auction is scheduled and that this has been conveyed to the petitioner by Exhibit-P3.

4. In my view, petitioner has no right to complain in this matter. In this case auction has not been confirmed in his favour and therefore there is no concluded contract in his favour to assert that the auction should be settled in his favour. That apart public interest also deserves that the action taken by the respondents should be upheld for the reason that they have in the process realised more amount than what was offered by the petitioner.

5. However, now that the auction has been cancelled. there is no reason for further retention of the amount deposited by the petitioner and the amount shall be released to him, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

Petitioner will be free to participate in the auction scheduled to be held on 8.10.2007.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007